



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,940	06/20/2003	Erik A. McMillan	STL.P0002	9444
30163	7590	12/23/2004		EXAMINER
JOHNSON & ASSOCIATES PO BOX 90698 AUSTIN, TX 78709-0698				EVANS, ANDREA HENCE
			ART UNIT	PAPER NUMBER
				2854

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/600,940	MCMILLAN ET AL.
	Examiner Andrea H. Evans	Art Unit 2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 June 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/22/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Double Patenting***

1. Applicant is advised that should claim 2 be found allowable, claim 3 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Aronzo (5796681).

Referring to claim 1, Aronzo teaches a method of displaying examination information during one or more portions of an examination; comprising the steps of: providing a timer for timing the duration of a portion of the examination (See Column 4, lines 35-37); tracking the number of questions answered by a user during the portion of the examination (See Column 4, lines 53-55); and displaying (34,36)information relating to both the time remaining in the portion of the examination and to the number of questions remaining in the portion of the examination.

Referring to claim 2, Aronzo teaches the method, wherein the displayed information includes an average amount of time remaining per remaining questions. (See Column 5, lines 5-7).

Referring to claim 3, Aronzo teaches the method, wherein the displayed information is a number equal to the time remaining divided by the number of remaining questions. (See Column 5, lines 7-9).

Referring to claim 4, Aronzo teaches the method, further comprising the step of displaying the amount of time elapsed during the portion of the examination. (See Column 4, lines 36-37 and Column 3, lines 44-46).

Referring to claim 5, Aronzo teaches the method, further comprising the step of displaying the amount of time remaining in the portion of the examination. (See Column 4, lines 36-37).

Referring to claim 6, Aronzo teaches the method, further comprising the step of displaying the number of questions answered. (See Column 4, lines 57-59).

Referring to claim 7, Aronzo teaches the method, further comprising the step of displaying the number of questions remaining. (See Column 4, lines 55-57).

Referring to claim 8, Aronzo teaches the method, further comprising the step of providing memory for storing information relating to one or more specific standardized examinations. (See Column 6, lines 3-8).

Referring to claim 9, Aronzo teaches the method, wherein the duration of and the number of questions in the portion of the examination is stored in the memory. (See Column 6, lines 1-26).

Referring to claim 10, Aronzo teaches the method, wherein information relating to a plurality of specific standardized examinations is stored in the memory, the method further comprising the step of allowing a user to select predetermined parameters for an examination based on the stored information. (See Column 6, lines 36-41 and 47-50).

Referring to claim 11, Aronzo teaches the method, further comprising the step of activating a visual indicator to alert a user of an event relating to the operation of the timer. (See Column 4, lines 46-48).

Referring to claim 12, Aronzo teaches the method, wherein the user is alerted without using an audible device. (See Column 4, lines 46-48).

Referring to claim 13, Aronzo teaches the method, wherein the information is displayed on a computer monitor. (See Column 7, lines 20-23).

Referring to claim 14, Aronzo teaches the method, wherein the information is displayed on a display of an electronic device. (Figure 1, elements (14 and 16)).

Referring to claim 15, Aronzo teaches a timer for timing an event comprising: a display (31, See Column 4, lines 32-35); one or more buttons (44 and 52) for allowing a user to start and stop the timer; and a visual indicator for alerting a user to an event, wherein the user is alerted without using an audible device. (See Column 4, lines 46-48).

Referring to claim 16, Aronzo teaches the timer, further comprising a sub-event button for allowing a user to time sub-events by pressing the sub-event button during the timed event. (48, See Column 5, lines 21-24).

Referring to claim 17, Aronzo teaches the timer, wherein the display displays information relating to the duration of a sub-event. (See Column 4, lines 36-40).

Referring to claim 18, Aronzo teaches the timer, wherein the display displays an average amount of time allowed for future sub-events during the timed event. (See Column 5, lines 5-7).

Referring to claim 19, Aronzo teaches the timer, wherein the display displays the number of past sub-events. (See Column 4, lines 57-59).

Referring to claim 20, Aronzo teaches the timer, wherein the display displays the number of future sub-events. (See Column 4, lines 55-57).

Referring to claim 21, Aronzo teaches the timer, wherein the display displays statistical information related to the timed event the sub-events (See Column 6, lines 15-17).

Referring to claim 22, Aronzo teaches a method of displaying information during a timed event having sub-events, comprising the steps of: providing a timer for timing the duration of the event (See Column 4, lines 35-37); tracking the number of sub-events during the event (See Column 4, lines 53-55); and displaying information (34,36) relating to both the time remaining in the event and to the number of sub-events.

Referring to claim 23, Aronzo teaches the method wherein the displayed information includes an average amount of time remaining per remaining sub-event. (See Column 5, lines 5-7).

Referring to claim 24, Aronzo teaches the method wherein the displayed information includes the number of past sub-events. (See Column 4, lines 57-59).

Referring to claim 25, Aronzo teaches the method wherein the displayed information includes the number of sub-events left during the timed event. (See Column 4, lines 57-59).

Art Unit: 2854

Referring to claim 26, Aronzo teaches the method, further comprising the step of activating a visual indicator to alert a user of the end of a timed period. (See Column 4, lines 46-48).

Referring to claim 27, Aronzo teaches the method, wherein the user is alerted without using sound. (See Column 4, lines 46-48).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea Hence Evans

AHE



ANDREW H. HIRSHFELD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800